

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1266

Introduced by Assembly Member Niello

February 22, 2005

An act to amend Section 217, ~~217.7~~ 217.8, and 217.9 of, and to ~~repeal Section 217.8 of~~ *add Section 217.75 to*, the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as amended, Niello. State highways: design-sequencing contracts.

Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

This bill would ~~instead generally~~ *additionally* authorize the department, *until January 1, 2012*, to award *design-sequencing* contracts *for the design and construction of not more than 4 additional transportation projects—using the design-sequencing contract method, if certain requirements are met, to be selected by the director. The bill would extend other provisions relating to the pilot project to January 1, 2012.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 217 of the Streets and Highways Code is*
2 *amended to read:*

3 217. The following definitions apply for the purposes of this
4 article:

5 (a) “Design” is a plan completed to a level of 30 percent.

6 (b) “Design-sequencing” is a method of contracting that
7 enables the sequencing of design activities to permit each
8 construction phase to commence when design for that phase is
9 complete, instead of requiring design for the entire project to be
10 completed before commencing construction.

11 (c) A “design-sequencing contract” is a contract between the
12 department and a contractor that requires the department to
13 prepare a design and permits construction of a project to
14 commence upon completion of design for a construction phase.

15 (d) This section shall remain in effect only until January 1,
16 ~~2010~~ 2012, and as of that date is repealed, unless a later enacted
17 statute, that is enacted before January 1, ~~2010~~ 2012, deletes or
18 extends that date.

19 *SEC. 2. Section 217.75 is added to the Streets and Highways*
20 *Code, to read:*

21 217.75. (a) Notwithstanding Chapter 1 (commencing with
22 Section 10100) of Part 2 of Division 2 of the Public Contract
23 Code, except Section 10128 of that code, and Chapter 10
24 (commencing with Section 4525) of Division 5 of Title 1 of the
25 Government Code, the department may, as part of the phase two
26 pilot program described in Section 217.7, let additional
27 design-sequencing contracts for the design and construction of
28 not more than four transportation projects, to be selected based
29 on criteria established by the director. For the purpose of this
30 article, these projects shall be deemed public works.

31 (b) In selecting projects authorized under subdivision (a), the
32 director shall attempt to balance geographical areas among the
33 four additional test projects authorized by this section,
34 considering the design sequencing contracts that have been
35 previously let, and shall pursue diversity in the types of projects
36 undertaken. In this process, the director shall consider selecting
37 projects that improve interregional and intercounty routes.

1 *(c) To the extent available, the department shall seek to*
2 *incorporate existing knowledge and experience on*
3 *design-sequencing contracts in carrying out its responsibilities*
4 *under subdivision (a).*

5 *(d) This section shall remain in effect only until January 1,*
6 *2012, and as of that date is repealed, unless a later enacted*
7 *statute, that is enacted before January 1, 2012, deletes or extends*
8 *that date.*

9 *SEC. 3. Section 217.8 of the Streets and Highways Code is*
10 *amended to read:*

11 217.8. (a) Not later than July 1, 2006, and July 1 of each
12 subsequent year during which a contract under the phase two
13 pilot program, as described in Section 217.7, is in effect, the
14 department shall prepare a status report on its contracting
15 methods, procedures, costs, and delivery schedules. Upon
16 completion of all design-sequencing contracts *authorized under*
17 *Section 217.7*, but in no event later than January 1, 2010 , the
18 department shall establish a peer review committee or continue in
19 existence the peer review committee created pursuant to former
20 Section 217.4, which was added by Chapter 378 of the Statutes
21 of 1999, and *shall* direct that committee to prepare a report for
22 submittal to the Legislature that describes and evaluates the
23 outcome of the contracts provided for in Section 217.7, stating
24 the positive and negative aspects of using design-sequencing as a
25 contracting method.

26 (b) *Not later than July 1, 2007 and July 1 of each subsequent*
27 *year, during which a contract under the phase two pilot*
28 *program, as described in Section 217.75, is in effect, the*
29 *department shall prepare a status report on its contracting*
30 *methods, procedures, costs, and delivery schedules. Upon*
31 *completion of the design sequencing projects authorized under*
32 *Section 217.75, but in no event later than January 1, 2012, the*
33 *department shall direct the peer review committee authorized*
34 *under subdivision (a) to prepare a report for submittal to the*
35 *Legislature that describes and evaluates the outcome of the*
36 *contracts provided for in Section 217.75, stating the positive and*
37 *negative aspects of using design-sequencing as a contracting*
38 *method.*

39 (c) This section shall remain in effect only until January 1,
40 ~~2010~~ 2012, and as of that date is repealed, unless a later enacted

statute, that is enacted before January 1, ~~2010~~ 2012, deletes or extends that date.

SEC. 4. *Section 217.9 of the Streets and Highways Code is amended to read:*

217.9. Design-sequencing contracts under the phase two pilot program, as described in ~~Section~~ Sections 217.7 and 217.75, shall be awarded in accordance with all of the following:

(a) The department shall advertise design-sequencing projects by special public notice to contractors.

(b) Contractors shall be required to provide prequalification information establishing appropriate licensure and successful past experience with the proposed work.

(c) This section shall remain in effect only until January 1, ~~2010~~ 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2010~~ 2012, deletes or extends that date.

SECTION 1. ~~Section 217 of the Streets and Highways Code is amended to read:~~

217. ~~The following definitions apply for the purposes of this article:~~

(a) ~~“Design” is a plan completed to a level of 30 percent.~~

(b) ~~“Design-sequencing” is a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction.~~

(c) ~~A “design-sequencing contract” is a contract between the department and a contractor that requires the department to prepare a design and permits construction of a project to commence upon completion of design for a construction phase.~~

SEC. 2. ~~Section 217.7 of the Streets and Highways Code is amended to read:~~

217.7. ~~Notwithstanding Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code, except Section 10128 of that code, and Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, the department may award contracts using the design-sequencing contracting method defined in Section 217. For the purpose of this article, these projects shall be deemed public works.~~

1 ~~SEC. 3. Section 217.8 of the Streets and Highways Code is~~
2 ~~repealed.~~

3 ~~SEC. 4. Section 217.9 of the Streets and Highways Code is~~
4 ~~amended to read:~~

5 ~~217.9. Design-sequencing contracts, as described in Section~~
6 ~~217.7, shall be awarded in accordance with all of the following:~~

7 ~~(a) The department shall advertise design-sequencing projects~~
8 ~~by special public notice to contractors.~~

9 ~~(b) Contractors shall be required to provide prequalification~~
10 ~~information establishing appropriate licensure and successful~~
11 ~~past experience with the proposed work.~~